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New York

President:	Mr. Barbalić	(Bosnia and Herzegovina)
Members:	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	Colombia	Mr. Osorio
	France	Mr. Araud
	Gabon	Mr. Moungara Moussotsi
	Germany	Mr. Wittig
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

The situation in Somalia

Letter dated 24 January 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/30)

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The meeting was called to order at 10.10 a.m.

Minute of silence

The President: At the outset of the meeting, I should like, on behalf of the members of the Security Council, to ask that all those present now stand and join in observing a minute of silence in memory of the victims of the heinous terrorist act perpetrated at Domodedovo International Airport in Moscow on 24 January 2011. We express sincere sympathy and condolences to the relatives of the citizens of the Russian Federation and other countries who were killed or injured.

The members of the Security Council observed a minute of silence.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Letter dated 24 January 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/30)

The President: Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representative of Somalia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Jack Lang, Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, and Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them a photocopy of a letter dated 24 January 2011 from the Secretary-General, transmitting the report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, which will be issued as document S/2011/30.

I now give the floor to Mr. Lang.

Mr. Lang (*spoke in French*): I have the honour to present to the Security Council the main conclusions of the task entrusted to me by the Secretary-General, in coordination with the Security Council, on legal issues related to piracy. Many observers have welcomed the Secretary-General's initiative to consider in-depth this issue, which has become a priority and of which the Security Council is clearly and resolutely seized.

Allow me first to commend the remarkable work carried out by the Secretary-General, in particular in his report (S/2010/394) on the seven options that the Council reviewed in late August (see S/PV.6374). That report guided my thinking and was an excellent basis for my work. I would also like to thank Mr. Lynn Pascoe, Ms. Patricia O'Brien and their colleagues. The task very greatly benefited from their support, and we had ongoing and honest exchanges.

I would also like to thank Ambassador Augustine Mahiga, Special Representative of the Secretary-General for Somalia, and Ambassador Thomas Winkler, Chairman of the judicial working group of the Contact Group on Somali Piracy. Our cooperation was unwavering, honest, ongoing and enriching. We visited the various countries of the region together.

As soon as I was appointed by the Secretary-General on 26 August, I conducted numerous consultations with 50 States, international organizations, private companies and research institutes. I went to most States in the region, in particular Somalia, and to Puntland and Somaliland. I visited prisons and talked with pirates detained not only in Somalia, but also in Mombasa, Kenya.

I came from those consultations with a feeling of extreme urgency. The situation is serious. I would even say that it is worsening. Far from slowing down, each day the phenomenon develops significantly. We have seen the industrialization of the phenomenon, an increasing number of pirates, sophisticated operations, the increasing use of mother ships, the latest technology, such as GPS, heavy weaponry, better organization during attacks, seizures and the negotiation of ransoms, and the gradual emergence of a true industry and new professions linked to piracy, including intermediaries, negotiators and interpreters.

Those signs of deterioration have been complemented by intensified violence, the frequent use of weapons, the occasional organization of simulated executions, increasing recourse to private companies, and the use of open force in taking hostages. We have seen some examples of that over the past few days. In addition, people are held longer — an average of 120

days and sometimes up to a year. Lastly, we have seen the geographical expansion of attacks to the entire Indian Ocean. Such attacks, long restricted to the north, today reach the southern and eastern Indian Ocean up to 1,500 kilometres off the coast. To some extent — I may exaggerate a little here — the pirates are increasingly becoming the masters of the Indian Ocean.

The situation is tragic for the victims, above all. Nearly 2,000 hostages have been taken in two years. Crews who have been taken hostage are sometimes used as human shields in other attacks. It is a tragic situation for the economies of the region, which have seen loss of revenue, higher prices, lack of security in the delivery of energy supplies, and the penetration of piracy into the economy of local systems.

It is a tragic situation for Somalia itself, which has endured difficulties in access to food aid and the breakdown of traditional societies. Ultimately, it has become an increasingly tragic situation for international trade. Some 22,000 ships and 30 per cent of the world's oil transit that area every year, and at the moment we are seeing an astonishing increase in insurance premiums for that area, which has been classified as a war zone.

In brief, the race between the pirates and the international community is progressively being won by the pirates. It is difficult to accept that the international community should be so persistently defied by 1,500 pirates. The status quo is therefore no longer satisfactory. I believe that the extreme gravity of the situation requires emergency remedies.

Hence, the plan I am submitting focuses on two ideas and two questions. The first question is: How can we improve the current solutions? The second is: Can we formulate new and ultimately more effective solutions? I shall respond briefly to the first question, which addresses an issue that the Council is well aware of.

The report proposes a series of measures to lift the legal obstacles to prosecuting pirates at sea and imprisoning them. For example, the report suggests the incorporation of the crime of piracy into the domestic legislation of all States and the adaptation of maritime detention to operational constraints. Similarly, in order to improve the situation, we suggest facilitating the submission of evidence, for instance by making it easier to give testimony via video teleconferencing. Perhaps the main point is the report's proposal for the removal of a key obstacle hindering States' prosecutorial jurisdiction — that is, the lack of detention facilities in the States of the region. Concrete proposals have been submitted for the Council's consideration in the report.

However, I believe that we need to face the truth. Even if these and other proposals are adopted to improve the outstanding work already carried out by our navies — including those of Kenya, Seychelles and Mauritius, which we congratulate on carrying out a task of great importance to the international community and international law — and even if these proposals enhance current solutions, we will still encounter difficulties in eradicating piracy. It is quite clear and undeniable that nine out of 10 pirates captured by our navies have to be released because there is no effective agreement among most States to prosecute them. Thus, impunity prevails. Nine out of 10 pirates are released because no jurisdiction is prepared to prosecute them.

That is why I decided to seek other options not to replace but to complement the very important solutions that the members of the Council have supported and encouraged. The consultations I have held pursuant to the task conferred upon me have enabled me to focus on the key idea that only making the legal and detention processes Somali-owned can ensure that prosecution is effective and end, to the extent possible, the impunity enjoyed by pirates.

It is well known that Somalia is the main source and Puntland the principal victim of piracy. For moral and religious reasons linked to the devastating consequences — including drugs, prostitution and alcohol consumption — the Somali people themselves are growing increasingly hostile to piracy. They are ready to support efforts on the ground against piracy. The fight against piracy must be supported by the populations affected.

I would therefore suggest that a genuine plan agreed with Somaliland and Puntland would help us to increase the pace of our fight. The plan would incorporate reciprocal, clearly affirmed and clearly publicized commitments in compensation for real, concrete evidence provided by the local authorities of their actions against pirates. The international community could thereby support the economic, security, legal and detention efforts of the authorities of those two regions.

Somaliland has already demonstrated its resolute commitment against piracy. I have met the leaders of Puntland, and in particular President Farole, on numerous occasions, and they claim to be determined to fight piracy and have taken initial detention measures, in particular against one commander of the pirates. I received a letter from President Farole yesterday confirming his resolve and commitment.

I should just like to add a few comments on the proposals I am submitting to the Council. I wish to assert clearly, simply and directly that there is a need to tackle piracy on the ground with the agreement of the Somalis, or at least certain Somalis. I dare say that we must target both the head — the commanders — and the body — the pirates themselves. The mafia-like gang leaders and the ordinary pirates clearly work hand in hand.

Regarding those who give the orders, the Security Council has already considered and spoken on this subject. Thanks to the task conferred upon me, I have been able to meet with representatives of many specialized organizations — Interpol in particular, but others as well — on this matter. My initial conclusion is that everything has not been done to reach the top and to get our hands on the instigators of these crimes. We know the names of some dozen of these masterminds, who receive the increasingly vast ransoms that fuel piracy. Organizations that launder money from piracy have been identified.

The report contains three relevant proposals. I will not go into them in detail as I do not want to speak at great length. These three proposals concern the strengthening of forensic policing capacities, the gathering of elements for investigation and evidence that are often overlooked — such as fingerprints and DNA from the boats that have been released, the registration numbers of engines on motherships, the registration numbers of transferred banknotes, the systematic monitoring of financial flows — and the application of individual sanctions against those who order attacks, whose names are well known. The Security Council knows how to target, reach and attack these criminal leaders. That, in brief, is what I wanted to tell the Council regarding those who lead and are the principal beneficiaries of these criminal enterprises.

Secondly and in conclusion, with regard to what I would call the "basic pirates", those who actually do the work at sea, the anti-piracy plan that I am proposing to the Council includes both prevention and clamp-down measures.

The prevention measures are above all economic in nature. In this area it is very difficult to separate the law from socio-economic reality. It is absolutely crucial that young Somalis be given an alternative to piracy. Support for economic development is possible in very specific areas where a dynamic for development can be put in place right away. I am thinking in particular of the ports of Bosaso in Puntland and Berbera in Somaliland. I am also thinking about animal husbandry and livestock export, as well as of developing telecommunications and, perhaps first and foremost, fisheries.

The proposal with regard to fisheries — which stems from different international experiences, in particular lessons learned off the coast of Guinea — calls for developing fisheries and for fishing agreements to impose a requirement that 30 per cent of fish be processed in Somalia. Along the same lines, it is proposed that Somalia be able to declare the contours of its maritime area with the help of the United Nations. As the Council knows, as of today, nothing has been defined — neither the limits of the territorial waters nor the borders of the exclusive zone, or the borders separating the different countries.

With regard to an issue that has often been discussed here in the Security Council and in other bodies, namely, the harm caused by illegal fishing and the discharge of toxic waste off the coast of Somalia, and particularly off of Puntland, I suggest that an independent international committee of experts carry out an objective study of the situation.

Other prevention measures are also proposed to prevent pirates from taking to the seas and with regard to monitoring and controlling of the coasts, the setting up of police stations in pirates' villages and the training of coast guard personnel who can monitor from land the departure of suspicious boats.

Those are some of prevention measures. I have not mentioned them all; the report before Council members includes additional proposals.

I should like to conclude by referring to the plan for clamping down on acts of piracy on land, which entails a range of measures to be supported by an agency whose specific local effectiveness I have been able to witness for myself, namely, the United Nations

Office on Drugs and Crime (UNODC). The staff of the Office do a remarkable job in providing assistance for the construction of prisons, in particular in Mombasa but also in Puntland and Somaliland.

The proposal I have made to the Council calls for the establishment of two specialized jurisdictions, one in Puntland and one in Somaliland. The applicable law would be Somali law, reformed under the aegis of UNODC as a part of the Kampala process, in association with the Transitional Federal Government and other entities, such as Puntland and Somaliland. This work, which consists of drafting Somali law, is at an advanced stage and is very important from the jurisdictional standpoint.

Furthermore, a parallel idea has been put forward — upon which the Council will have the final word — that the President of Tanzania, with whom I met a few weeks ago, establish a Somali court in Arusha during a transitional period. Following that period of transition, during which we very much hope that peace would be restored in Somalia as soon as possible, the court would be transferred to Mogadishu. The Tanzanian President has told me that he is open to such a proposal.

The question of prisons and incarceration also needs to be addressed. Prison capacity needs to be built in Puntland and Somaliland — once again, with the assistance of the United Nations Development Programme and UNODC. This agency, which I have consulted on many occasions, has told me that it is possible to build prison capacity in less than a year or faster in order to provide space for prisoners tried both locally and abroad — in Kenya or in other countries. UNODC is proposing a double-control system to ensure that these prisons run smoothly, namely, internal monitoring within the prisons through a standing UNODC office that would train prison guards and help with prison management, as well as external monitoring that would carry out regular checks by a surveillance committee, which UNODC has agreed to set up and assist.

Another idea put forward by UNODC is to associate each prison with a farm in order to enable the prison to have a degree of self-sufficiency and to facilitate prisoner training and social reintegration.

Another important issue that is not easy to solve is the training of judges, prosecutors, attorneys and prison guards. Again, though, it seems to me that UNODC and international organizations such as the United Nations and the African Union, which I consulted on several occasions, the European Union and other organizations must contribute to this effort.

Those are some of the main points. We cannot look at all of the proposals; to do that would take up far too much of the Council's time and patience. But I would like to conclude with a final point. If the Council decides to promote solutions such as those, it would entail a degree of investment. I know the extent to which we need to be attentive today to not wasting public resources and to being frugal with public funds.

In that regard, I asked UNODC to undertake an evaluation — and it is only an evaluation — of what it would cost over three years to set up these new jurisdictional and penitentiary capacities in Puntland and Somaliland. The UNODC's estimate is that it would cost $25 million. I would like to draw the Council's attention to how that figure — if it turns out to be correct — compares with the cost of piracy today, which is reaching considerable heights. Although estimates vary, for Somalia and the Indian Ocean the cost is between $5 and 7 billion. If we factor into those costs of piracy the additional costs for naval operations and the revenue losses to the countries of the region associated with tourism, blocked ports and impediments to trade, to say nothing of the increase in the cost of transporting raw materials and industrial and other goods, then the total costs are significant indeed — and will inevitably continue to rise in the coming years.

The choice therefore seems to be clear. If we leave the situation as it is, with some improvements here and there, we will not manage to resolve it. I could be wrong, but that is my feeling: we will not succeed in eradicating this problem. It will therefore be very expensive for our countries and for international organizations alike.

It will also be very expensive in human and political terms. I do not want to be overly dramatic, but let us try to look beyond the situation. Despite the significant risk that it currently poses, piracy today is fairly discreet from terrorism. There are some links here and there in Somalia, but they are limited. But if the scope of the phenomenon were to expand and move decisively southward — and, again, I do not wish to be overly dramatic — then we cannot disregard the

possibility that it may one day become more closely associated with terrorism.

Those are some of the thoughts I wanted to share with the Council. I believe that it is perhaps someone looking in from the outside who can feel sufficiently free to say these things. The Council bears a responsibility to States and to the Organization. I believe that, if in the course of the next few weeks our Organization and the Security Council were to adopt a clear, robust and resolute resolution that speaks to and is awaited by the entire world, it would serve to encourage initiatives and facilitate the mobilization of the financial resources to which I have just referred. And everyone would feel that that would indeed be a resolute, robust and concrete action by the Council.

I apologize for taxing the Council's patience and speaking at some length. I just wanted to share with the Council the beliefs of someone who, thanks to the Council, was able to meet with many leaders. My message to the Council is that it should act quickly and robustly.

The President: I thank Mr. Lang for his briefing.

I now give the floor to Mr. Mathias.

Mr. Mathias: I would like to thank Mr. Lang for his wide-ranging and multidimensional report (see S/2011/30) to the Secretary-General, as well as for his presentation this morning. Mr. Lang was appointed on 25 August 2010 as the Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia. In just four months, he has travelled and consulted widely and has brought together a large amount of information into a coherent report that identifies various strands of possible actions by the international community.

Some of those strands relate to piracy-related issues that are not of a legal character. While those are not of direct concern to the Office of Legal Affairs, I note that among the proposals in Mr. Lang's report are proposals with respect to improving the operational aspects of the fight against piracy, economic and development proposals and proposals to build the capacities of Somalia's security forces. His report to the Secretary-General and the recommendations contained therein are being reviewed by the Secretary-General and his advisers.

I will now make just a few brief comments on some of the legal aspects of the report, and also refer members of the Council to the relevant parts of the Secretary-General's report (S/2010/394) of 26 July 2010, which dealt with some of the same issues.

First, I would like to underline the Special Adviser's references to the international legal framework applicable to piracy. The legal framework under international law is set out in the 1982 United Nations Convention on the Law of the Sea, which also reflects customary international law. Other instruments, such as the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, may also be relevant to combating piracy, since some elements of the act of piracy may also constitute offences under such instruments.

In the context of Somalia, the legal regime is complemented by a number of Security Council resolutions. The Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden is also an important vehicle for cooperation among regional States.

Regarding the repression of piracy, States remain bound by other applicable rules of international law. Clearly, apprehension, detention, prosecution and imprisonment must all take place in accordance with a State's international human rights and other obligations.

The Special Adviser has rightly underlined that the Law of the Sea Convention and customary international law provide for universal jurisdiction over acts of piracy; that is, all States are entitled to take criminal jurisdiction over acts of piracy, no matter where they occur and no matter what the nationality of the suspect or the victim. No connection between the prosecuting State and the act of piracy is required. This is the broadest possible legal basis for States to exercise jurisdiction under international law.

Any State may seize a pirate ship or a ship under the control of pirates, any State may arrest the suspects and any State may prosecute them. The key to increasing the number of States that are able to prosecute acts of piracy, whether they be in the region or elsewhere, lies in national implementation of this international legal regime and in the will to take on prosecutions. This is consistent with the call in resolution 1950 (2010) for all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the

coast of Somalia, consistent with applicable international law, including international human rights law.

Given the large number of suspects being detained at sea by naval forces, the Special Adviser has emphasized that putting in place adequate prison arrangements is equally as important as considering the options for prosecution. The potential size of the piracy-related prison population and the fact that most of the suspects are not nationals of the prosecuting States have certainly contributed to the difficulties associated with finding a potential host State for any new judicial mechanism.

The Special Adviser has proposed a three-part Somali court system, comprising specialized courts in Puntland and Somaliland and an extraterritorial specialized court to sit in a third country in the region. It may be helpful for members of the Council if I briefly relate those proposals to the options that were set out in the Secretary-General's report.

The specialized courts sitting in Puntland and Somaliland, as proposed by the Special Adviser, would be special chambers, sitting within a national jurisdiction. As we understand it, they would receive capacity-building assistance but would not have United Nations participation through United Nations-selected international judges or prosecutors. Those tribunals, therefore, would fall under option 3, as set out in the Secretary-General's report of July 2010. That report identified a number of potential advantages and disadvantages of such special chambers. Our understanding is that the United Nations Office on Drugs and Crime is already supporting national prosecutions in the regions of Somalia and working towards the establishment of such special courts.

The proposal for an extraterritorial specialized court, applying Somali law, to sit in a third country in the region, would fall under option 2 in the Secretary-General's report of last July. Again, the report identifies advantages and disadvantages of this option.

The President: I thank Mr. Mathias for his briefing.

I now give the floor to the representative of Somalia.

Mr. Duale (Somalia): I thank you, Mr. President, for inviting us to participate in this very important meeting and briefing on piracy in Somalia. I also very much wish to thank the members of the Security Council for being steadfast in their efforts to find viable solutions to the problems of piracy in Somalia. Special thanks are also due to Mr. Jack Lang, Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, for his very comprehensive briefing. I hope as soon as I receive the report to be able to study his very important proposals and options, which are, as far as I can foresee, very viable and to-the-point, and require nothing more than immediate action, as he has said.

We also thank Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs, who has also supported the proposals of options for jurisdiction, both international — that is, outside Somalia — and within Somali territories.

The problem has been with us for a very long time, and every time the Secretary-General issues a report — such as his most recent very comprehensive report on piracy (S/2010/394) — unfortunately funds do not materialize. The funds required to be able to take the actions that Mr. Lang has proposed are very minor compared to what has been spent on the high seas and considering the problems that piracy creates not only internationally but also for the Somali people and Somali communities, as was also highlighted by Mr. Lang.

What remains to be done now, really, is to take action — and quickly — both on the legal aspects of the problem and on concrete steps to support and enable regional authorities and the Transitional Federal Government to police and monitor all the coastal areas where piracy originates, so that pirates can be caught there, with good policing, before they go onto the high seas. Without exaggeration, we know that since March 2010 more than 30 vessels have been taken. The number of hostages is 699; if we include the hostages taken in 2009, the number is at least 1,000, if not more.

That creates a humanitarian situation for all those involved, including the families of those unlawfully detained by the pirates. On both the humanitarian and security fronts, action should be taken as quickly as possible, not only by the members of the Security Council but also by the international community. I hope that the Security Council will deeply look into this problem and take every appropriate action in support of the report of the Secretary-General and the reports of Mr. Lang and Mr. Mathias.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I would first like to express our gratitude to all the members of the Security Council and the United Nations for their solidarity and support in the aftermath of the terrorist attack on Domodedovo International Airport.

We are grateful to the Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, Mr. Lang, for his substantive report (S/2011/30), which includes a whole range of measures to increase the effectiveness of anti-piracy measures. It is important that its conclusions are based on material gathered through direct work in the region, including broad consultations with interested parties, including the regional authorities of Somalia. We share Mr. Lang's objective assessment of the dismal situation of the fight against piracy, and we agree that the time has come to take decisive measures to reach a new level in combating that threat. Indeed, not only is piracy not decreasing, but it is expanding like a cancerous disease with alarming speed. This criminal activity is attracting increasing numbers of people and resources, and pirates are using new technological means. Their reach is extending ever wider.

2010 was a record year. According to the International Maritime Organization, in the Horn of Africa 49 vessels were hijacked and more than 1,000 hostages taken. Some of these were killed. We are deeply concerned by the news that, in territorial waters off the coast of Seychelles controlled by national naval forces, a vessel flying under the flag of Antigua and Barbuda was recently hijacked. Most of the crew are citizens of Ukraine and according to some reports, some are Russian.

The damage to the world economy from piracy runs to billions of dollars, despite the fact that a few years ago the international community's expanded its anti-terrorism efforts and increased resources to control waterways where pirates operate and to combat impunity. Clearly, this problem cannot resolved without tackling the root causes of piracy, which are a lack in Somalia of stability, the rule of law and normal economic and social conditions. The problem is also that piracy is no longer just one of the consequences of the country's fragmentation. It has actually become a self-sustaining, profitable and well-organized criminal industry.

An important factor that fuels piracy is the complete impunity of pirates and its kingpins. The current anti-piracy measures are not adequate in terms of prosecuting the participants. In order to significantly improve the situation, we need a breakthrough. We view Mr. Lang's recommendations as a strong basis in that regard.

There is also a need to focus on the instruments used for combating piracy. Significant experience has been garnered in this area, and there are impressive institutional provisions in place. New measures should focus on the solid foundation provided by the work that has already been done.

We agree with the recommendation to expand and increase the preventive capacity of naval forces. Control of dangerous areas in the region needs to be strengthened. The Russian Federation continues to participate in the anti-piracy force. To that end, at the end of December 2010, the fifth-ranking detachment of the Russian Pacific fleet was dispatched to the Gulf of Aden, where it has been accompanying merchant vessels of different countries. In 2010, Russian military vessels were also involved in escorting vessels of the World Food Programme. However, we must realize that the problem cannot be solved by the means of force alone; there needs to be a whole range of efforts encompassing political settlement, socio-economic aspects and security and law enforcement considerations.

An important aspect to which we must devote our attention is the prosecution of pirates. The fact that pirates are not held to account is undermining anti-piracy measures in other areas. The figures speak for themselves: according to sources, 90 per cent of those detained for piracy activity are released. We have drawn the attention of the Security Council on a regular basis to the lack of existing mechanisms for prosecuting pirates. It is clear that current opportunities in Somalia and neighbouring countries in terms of prosecuting pirates mean that the capacity in this area cannot be harnessed properly.

In this regard, the proposal by Mr. Lang to set up two special anti-piracy courts in Somaliland and Puntland and an extraterritorial special court deserves our close attention and further consideration. It is important to focus on an appropriate mechanism in this area. We are convinced that it will only be effective if it is supported by international specialists. There are

currently not enough professionals in Somalia with sufficient expertise.

In practice, we have good experience in assisting national courts, such as the assistance provided to Kenya and Seychelles by the United Nations Office on Drugs and Crime.

The time has now co ne for us to tackle piracy properly. Further developments in this area will really depend on the extent to which the Council will be able to take decisive steps to curb this threat. We are prepared to make specific proposals here in the near future. If this opportunity is not taken, then control of the situation in Horn of Africa will be lost.

Ms. Rice (United States of America): Let me also thank Special Adviser Lang, Assistant Secretary-General Mathias and the representative of Somalia for their briefings today. I especially want to thank Special Adviser Lang for his comprehensive and creative report (see S/2011/30) on piracy prosecution.

The United States fully agrees that to truly address piracy we must find solutions both on land and at sea. As Mr. Lang has rightly noted, piracy off the coast of Somalia threatens us all. Captured crews are used as human shields or held for ransom, and the region faces higher prices for basic commodities. Piracy endangers the critical delivery of humanitarian aid. The rising sums of illicit funds flowing into Somalia through random payments further destabilize the region and fuel the growth of organized crime and terrorism.

Many members of the Council participate in the Contact Group on Piracy off the Coast of Somalia, which has proved a flexible and efficient forum for coordination and information sharing. Much is being done to combat piracy, from disseminating best practices to youth employment projects but, plainly, much more work remains to be done.

As the report notes, industry adoption of best management practices in naval operations off the coast of Somalia reduced the rate of successful pirate attacks. Several mechanisms can certify such steps — for example, reviewing measures as part of the process whereby a vessel's security plan is approved under the International Ship and Port Facility Security Code. Under other International Maritime Organization provisions, such as the International Safety Management Code, documentation that a vessel has implemented the appropriate best practices can be issued. We welcome assistance in further encouraging the adoption of such best practices. We encourage nations to contribute ships to patrol the waters off the Somali coast, as several of our fellow Council members have already done.

We also support the recommendation in the report that targeted cooperation with Somaliland and Puntland be increased. But the best long-term solution to piracy is a stable Somalia. That is why the United States supports a wide range of economic development programmes there, including microcredit and good governance initiatives. Tailored initiatives that actively involve the local community may do the most good.

The United States also agrees that prevention, prosecution and incarceration are essential elements of any counter-piracy initiative. We strongly support the report's recommendations that all States criminalize piracy as defined in the United Nations Convention on the Law of the Sea and adopt universal jurisdiction with regard to this grave crime. The report recognizes the need to raise awareness, to encourage piracy's victims to testify against their attackers and to explore means to provide such testimony, including via videoconference. We agree.

The United States has long encouraged flag States and States whose crews and vessel owners have fallen prey to pirates to pursue prosecutions in their domestic courts to the greatest extent possible. We welcome the call in the report for all States to strengthen their commitment and ability to prosecute. In cases where American vessels have been attacked, we have prosecuted the suspects. We also recognize the need to develop one or more reliable, practical options for prosecution in the region. Kenya and Seychelles are successfully prosecuting piracy cases in their national courts. Tanzania has changed its laws to allow it to prosecute suspected pirates captured elsewhere. The experience of these countries indicates that prosecution in the region is potentially viable. We should continue to support efforts by States in the region to try suspected pirates in their national courts. Not only does such support help ensure that piracy bears judicial consequences; it also enhances the judicial capacity of the region as a whole.

As we continue to discuss additional mechanisms, we should also support and strengthen prosecution-related programmes in the region that are already under way.

My Government also remains open to exploring creative solutions to increase and facilitate domestic prosecution. The report suggests forming specialized piracy courts in Somaliland and Puntland, as well as a Somali court seated in another country in the region. We would support further consideration of these ideas, including in the legal working group on piracy off the coast of Somalia, which has been exploring prosecution mechanisms for some time now.

But as the United Nations report recognizes, incarceration may be the most significant constraint on piracy prosecutions. The United Nations Development Programme and the United Nations Office on Drugs and Crime (UNODC) are supporting prison rehabilitation projects. But additional support and options for long-term incarceration are needed. We encourage States to work with and through UNODC to develop additional facilities where convicted pirates can serve their sentences. The lack of places to incarcerate convicted pirates significantly hinders additional national prosecutions and makes it harder to ensure judicial consequences for piracy.

Finally, as the report notes, we must pay more attention to the instigators, leaders and financiers of piracy. We look forward to the conclusions of the next Contact Group plenary meeting about how to move forward. It is critical to disrupt the financial flows that make piracy both possible and profitable. To that end, the United States will convene, on 1 March, in Washington, D.C., an ad hoc meeting of Contact Group participants on the financial aspects of piracy, as called for by the Contact Group, to develop a strategy and an action plan on this topic.

Over the past few years, pirates having been using more and more violence. Their tactics have become more sophisticated, and their vessels have hunted further and further out at sea. We must work together and remain vigilant. In cooperation with the international community, the United States will do its part to combat this common and urgent threat.

Mr. Parham (United Kingdom): I, too, would like to thank the Secretary-General's Special Adviser, Jack Lang, the Assistant Secretary-General for Legal Affairs and the Permanent Representative of Somalia for their briefings this morning, and Jack Lang for his report (S/2011/30) presenting a plan in 25 proposals. I also take this opportunity to express the United Kingdom's continued appreciation for the contribution of the United Nations and its agencies to the international effort to combat piracy off the coast of Somalia.

The United Kingdom agrees with Mr. Lang's assessment of the seriousness of the threat posed by piracy, which has also been spelled out very clearly by Ambassador Churkin and Ambassador Rice, and we also agree on the need for an urgent solution. We welcome Jack Lang's proposals for action, many of which we have been supporting through the work of the Contact Group on Piracy off the Coast of Somalia. We agree in particular on the primary importance of securing additional prison capacity as a key measure to facilitate the prosecution of greater numbers of suspected pirates apprehended at sea.

I turn first to the proposals in the report dealing with options for prosecution and imprisonment. As noted in the report, the international community's efforts to date have focused on agreements with regional States to accept suspected pirates for prosecution and imprisonment. We believe that, in the short term, this must continue to be our focus. The European Union is moving towards concluding an agreement on prosecution with Mauritius, and negotiations are likely to resume soon with Tanzania on a similar agreement, which is most welcome. Discussions will also be taken forward in March, under the auspices of the Contact Group, on post-trial transfer agreements between Seychelles and both Somaliland and Puntland.

However, we agree with Mr. Lang that it is vital that work continue in parallel to develop judicial and penal structures in Somaliland and Puntland in line with current, well-planned and executed United Nations Office on Drugs and Crime (UNODC) programmes. The establishment of effective Somali court and prison structures is the best long-term solution, as it will provide the region with a sustainable capability to deal with the problem of piracy, which is likely, unfortunately, to endure for years to come.

As for the proposal to establish a delocalized Somali court in Tanzania, we understand this to be a temporary measure until local Somali courts are established. However, we are doubtful that it would be possible to have such a court operational within the timetable envisaged.

Implementation is clearly linked to the completion of other proposals in the report, including

prison facilities in Somaliland and Puntland; prisoner transfer agreements between Tanzania and Somalia; and the UNODC project to update Somali counter-piracy law. Strong cooperation between the Transitional Federal Government and Somali regional authorities will also be required.

Even with the highest degree of international political will, we believe that it would take time to conclude the necessary legal agreements, recruit and train staff, and identify and equip suitable premises for a delocalized court. We also note that the cost and timing assessments appear to be based on a working assumption that such a court could use the premises and detention facilities of the International Criminal Tribunal for Rwanda (ICTR), but those premises will be required by the Rwanda Tribunal and the ICTR residual mechanism for the foreseeable future. We are open to discussing this proposal further, but we would need a more detailed assessment of costs and feasibility before reaching a considered view.

There are a number of recommendations in the report aimed at facilitating the domestic prosecution of piracy and enhancing judicial cooperation. We agree that all States should be encouraged to adopt laws naming piracy as a crime of universal jurisdiction in their domestic law. We would welcome further information on the proposals for a legal framework for detention at sea — that is proposal 7 — and the idea of a "model case report", which is proposal 8. We support discussion within the Contact Group of other practical measures to facilitate the conduct of prosecutions, including the provision of testimony by seafarers — that is proposal 10.

In relation to the proposals to enhance the self-protection of ships — proposals 1 and 2 — we welcome work taken forward by the shipping and insurance industries to certify compliance with elements of best management practice, including registration with the Maritime Security Centre — Horn of Africa. But we agree that more needs to be done on this through the Contact Group, in liaison with the International Maritime Organization.

The United Kingdom has also been active as chair of working group 1 of the Contact Group in promoting cooperation with the Somali regional authorities in Puntland and Somaliland — that is proposal 4. The Kampala process was created as a means of implementing capacity-building programmes by creating a technical cooperation mechanism through which the Transitional Federal Government, Puntland and Somaliland could discuss how to cooperate with each other as well as enable foreign assistance to their counter-piracy efforts.

In conclusion, we agree with the Special Adviser's overall assessment that there must be a comprehensive approach to tackling piracy off the coast of Somalia through the political, economic, security, jurisdictional and correctional tracks. We welcome the agreement by regional ministers to a regional action plan on maritime security in Mauritius in October 2010, as well as the consistency between the main elements of this action plan and the key recommendations of the Contact Group's own needs assessment report, agreed in January 2010. We must generate the political will to implement the necessary measures as a matter of priority and ensure the coordination of actions of States and international bodies. We agree that the Special Representative of the Secretary-General, Mr. Mahiga, and the United Nations Political Office for Somalia have an important role to play in this regard, and remain grateful for their continued close cooperation with the Contact Group, which retains the key coordination role across the region.

Mr. Wittig (Germany): I, too, would like to thank Special Adviser Jack Lang for his excellent briefing and report (S/2011/30) on legal issues linked to piracy off the coast of Somalia. We commend the report for its high level of detail and its systematic and comprehensive approach. The report is a most thorough analysis of the legal issues connected with piracy.

Germany is very concerned about the persistent and indeed growing threat of piracy and armed robbery off the coast of Somalia and in the region. The Security Council needs to address this threat to peace and security in a comprehensive manner.

In recent months, pirates have increased their level of violence and extended their range of operation. Piracy is a serious crime. It has detrimental effects on the security and safety of international navigation and commerce. It also threatens urgently needed humanitarian aid to Somalia. The destructive effects of piracy ultimately jeopardize our common efforts to stabilize Somalia. The overall cost of piracy is immense — as Mr. Lang has pointed out — not only to

the international community and to the States in the region, but first and foremost to the people of Somalia.

The Security Council and the international community have shown unity and resolve in tackling the problem of piracy, but we do indeed have to step up our efforts. The European Union is substantially engaged in the fight against piracy. It has deployed its first naval operation, Operation Atalanta, off the coast of Somalia. Germany has participated in this operation from the very start and will continue to do so. Many other partners are committed. Kenya and the Republic of Seychelles have assumed responsibility by trying and imprisoning pirates. Mauritius will, it is hoped, soon follow suit. We would like to thank those countries for their important contributions. We hope that more partners will join in these efforts.

The Special Adviser's report proposes the strengthening of existing measures and the introduction of new ones. All of his proposals deserve our close attention.

Military and judicial action is indispensable in the short term, but both deal only with symptoms. We will have to address the factors facilitating piracy and look at the situation on shore in Somalia. The international community must continue to support the Somali people in their efforts to re-establish peace, security and development in their country. We need economic opportunities and State actors that prevent and prosecute piracy ashore. These are tasks for police, coast guard and law enforcement authorities that need to be set up and strengthened in Somalia.

The effective prosecution and imprisonment of those responsible for piracy and armed robbery have seen progress, but remain a huge challenge. The legal framework is set out in the United Nations Convention on the Law of the Sea, which reflects the customary international law giving all States the right to prosecute pirates. All States should create the legal conditions that enable them to effectively prosecute pirates.

We concur with the goal, as stated in the report, that it ultimately must be in Somalia that pirates are tried and imprisoned. To reach that goal, we have to support the establishment of adequate structures in Somalia.

The activities of the Contact Group on Piracy off the Coast of Somalia and, in particular, the Trust Fund supporting its initiatives, are a very useful contribution in that regard. A number of projects of the law enforcement sector in Somalia were funded by the Trust Fund. Germany was among the first contributors to that effort, and we invite others, including the shipping industry, to participate and commit funds.

Setting up an extraterritorial Somali court in a third country in the region, with the perspective of transferring it to Somalia, could be an essential part of a solution. It could constitute an important element of support to a nascent Somali legal and judicial system, with active international support and the recruitment of qualified lawyers, for instance from the Somali diaspora. It would combine Somali, regional and international efforts in a truly joint endeavour. We should further explore that proposal.

We have to acknowledge that the Somali judicial system and its prisons still face a number of challenges, as pointed out by the Secretary-General in his most recent report on Somalia (S/2010/394). The system must be improved so that it meets international standards and respects international human rights and other applicable rules of international law. Germany commends and actively supports all activities in that respect, especially those of the United Nations Office on Drugs and Crime and the United Nations Development Programme.

In the meantime, broader and stronger regional efforts and international support for them are required. States of the region are most affected by the scourge of piracy. Increased cooperation among them would considerably strengthen the fight against piracy. It would also be of benefit to their judicial systems in the fight against crime in general. We look forward to continued cooperation among partners in the Security Council and in the Contact Group on Piracy off the Coast of Somalia to address piracy in Somalia and the factors contributing to it.

In conclusion, I should like to once again thank the Special Adviser for his impressive report. He has rightly pointed out the urgency of the matter. The Security Council should take up the many thoughts and issues he has raised and discuss them in the near future as part of the Council's larger strategy on Somalia.

Mr. Mashabane (South Africa): We thank the Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, Mr. Jack Lang, for his briefing and his comprehensive report (S/2011/30). We also want to express our thanks

to Assistant Secretary-General Stephen Mathias for his briefing. We welcome the Special Adviser's recognition that the legal response to piracy must be located within the framework of a comprehensive multidimensional approach. My Government continues to study and review the legal aspects of the report.

South Africa remains deeply concerned about the multiple challenges facing Somalia, including piracy off the coast. As we have stated on many occasions, piracy in Somali waters should be addressed within the broader context of addressing peace and security and the economic and humanitarian challenges facing the country.

In his report to the Secretary-General, the Special Adviser notes that the counter-piracy effort will be successful only when a series of measures are put in place. We will go further, however, and suggest that the piracy issue will be truly resolved only when the conflict and political challenges in Somalia have been fully addressed.

We are pleased that the proposals presented in the report of the Special Adviser go beyond the legal imperatives and also incorporate the economic and preventive dimensions of piracy. In that regard, my delegation underscores the sentiment expressed in paragraph 81 of the report, in which the Special Adviser states that

> "eradicating piracy requires the development of economic alternatives so that the 'economy of piracy' does not corrupt the whole of the Somali economic system and to give hope to the young people who too often believe themselves to have no future".

South Africa firmly supports the view that addressing the scourge of piracy will require a comprehensive approach that addresses two of the underlying causes of the problem: the illegal dumping of toxic waste and the illegal exploitation of Somali maritime resources. In that regard, we support proposal 17 of the report, in which the Special Adviser calls for the establishment of a committee to investigate illegal fishing and maritime pollution.

Regarding the legal dimension of piracy in Somalia, we look forward to continued engagement by the Security Council on the options proposed by the Secretary-General and his Special Adviser, Mr. Jack Lang. In considering those proposals, our efforts should be framed by obligations under the United Nations Convention on the Law of the Sea, which sets out the legal framework and parameters applicable to combating piracy and armed robbery at sea, as well as other ocean activities.

Any effort to address the multiple challenges of piracy should also seek to build capacity in Somalia's domestic legal system and law enforcement institutions, so that Somalia remains the epicentre of long-term strategies to effectively deal with the scourge of piracy.

We wish to state our appreciation for the efforts of the United Nations Development Programme and the United Nations Office on Drugs and Crime in assisting States in the region with respect to prosecutions. South Africa is heartened by the efforts of all States that have taken on the burden of prosecuting alleged pirates, especially our sister countries Kenya, Seychelles and Mauritius. We support the call for States to criminalize piracy in their national jurisdictions. In that regard, assistance should be given to regional States in their efforts to prosecute and imprison pirates.

In conclusion, my delegation is of the firm view that with a stable and prosperous Somalia, the challenges of piracy off the coast of that country will be overcome. We should therefore do all that we can to help Somalia achieve the peace and stability that it deserves. The investment of the international community in combating piracy cannot be disproportionate to its efforts to fight the root causes of piracy on land and address Somalia's challenges holistically.

Mrs. Viotti (Brazil): I would like to join previous delegations in expressing our appreciation to Special Adviser Jack Lang for his briefing and for his very comprehensive and thoughtful report (S/2011/30). Our appreciation also goes to Assistant Secretary-General Stephen Mathias for his remarks and to Ambassador Elmi Duale, Permanent Representative of Somalia, for his statement.

Along with the July 2010 report of the Secretary-General (S/2010/394), Mr. Lang's report provides a solid basis for an in-depth analysis and effective response by the Council to piracy and armed robbery at sea off the coast of Somalia. In particular, Brazil values two aspects of Mr. Lang's report, one methodological and the other substantive. The first aspect involves the

extensive consultations with numerous stakeholders, which served as a basis for its conclusions and recommendations. The second is the effort to deal with the many facets of the problem, including the socio-economic one. While a thorough assessment of the report's content is still under way, I would like to make a few preliminary comments.

The document highlights a sense of urgency in the search for sustainable solutions to the issue of piracy and armed robbery at sea off the coast of Somalia. This urgency is all the more evident when it comes to the political and security situation in Somalia, as indicated by the fact that, according to the report, the insurgency does benefit from piracy. Such cooperation between crime and terrorism, which at the moment seems based on mere mutual convenience at the local level, should be effectively combated before it becomes a true alliance that could destabilize Somalia further. In this regard, it is important that the Council act on the counter-piracy recommendations in a manner consistent with our efforts on Somalia, in particular our decision to authorize the strengthening of African Union Mission in Somalia and the consideration of the outstanding African Union recommendations.

We are pleased that Mr. Lang's report seeks to translate our common comprehensive approach to fighting piracy off the coast of Somalia into concrete recommendations aimed at prevention and suppression. Regarding prevention, we welcome the attention he has rightly given to the social and economic rehabilitation of Somalia's coastal areas and to illegal fishing and dumping of toxic wastes. Support for job creation, especially for young people, seems key in this regard. At the same time, assistance provided to help Somalia reform its legal framework on anti-piracy and maritime jurisdiction would be most beneficial if it were extended to suppressing illegal fishing and toxic waste dumping in Somali waters.

Another cross-cutting aspect of the report is its emphasis on the importance of strengthening and implementing the Kampala process. Cooperation among the Transitional Federal Government, Somaliland and Puntland in the fight against piracy can also serve as a confidence-building measure to address sensitive political issues in the long run. In this regard, the United Nations Political Office for Somalia, through its regional offices in Hargeysa and Garoowe and its increasing footprint in Mogadishu, could play a fundamental role in supporting the Kampala process and the implementation of Mr. Lang's recommendations concerning the regional administrations.

We welcome the recommendations contained in the report regarding prosecution of the instigators of acts of piracy. Such action is necessary to deal with the problem in a meaningful way. Encouraging the private sector to do more in preventing and suppressing acts of piracy, protecting the rights of seafarer victims of piracy and financing the international efforts is also positive. Many shipping companies that have benefited from international efforts to provide security off the coast of Somalia could be further encouraged to comply with the best-management practices agreed on by the industry itself. Seafarers — so far the greatest victims of piracy off the coast of Somalia — should also be better protected, in terms both of prevention and of assistance during and after a hostage situation. The collaboration of the private sector can be equally key to substantiating strong cases against suspected pirates and their instigators, as highlighted in the report.

On the central issue of the judicial mechanisms, we appreciate the Special Adviser's proposal concerning alternatives that could lead to a Somalization of the response. One key aspect of that recommendation, as we see it, is the strengthening of the rule of law in Somalia and the creation of judicial and penal capacities in Puntland and Somaliland. We fully concur with this view. We also believe that the new solutions proposed in Mr. Lang's report are compatible with efforts to improve, in the short term, the solutions currently in place.

Although the challenges are considerable and the means to overcome them complex, I reiterate my delegation's active support for fighting impunity in the waters off the coast of Somalia and bringing peace and stability to those waters and, above all, to Somalia itself.

Mr. Moraes Cabral (Portugal): The international community and the Security Council cannot and, I know, will not turn a blind eye to Somalia at this critical juncture. The range of piracy activities is spreading to neighbouring countries, and the number of reported piracy acts is growing, as is the number of victims. The sophistication of the attacks has also increased. The number of hostages taken by pirates is both impressive and disturbing. The other victims, perhaps less visible or not so frequently mentioned in

the news, are the Somalis themselves, condemned in their daily lives to suffer the corrosive social impact of piracy.

The United Nations, through its programmes and funds, along with the United Nations Office on Drugs and Crime and other international organizations and donors, in coordination with the Contact Group on Piracy off the Coast of Somalia, all have a role to play in dealing with the subject at hand in its different dimensions. They have to be further supported in countering piracy and in addressing its root causes and overall impact in Somalia. Increased funding, including through voluntary contributions, cannot be avoided. The cost of inaction would be much, much higher.

It is for these reasons that I wish, like others, to thank the Special Adviser of the Secretary-General, Mr. Jack Lang, for his detailed, comprehensive and, I must add, very disturbing report (S/2011/30). I also thank our Somali colleague for his comments, and have taken note of the points raised by the Assistant Secretary-General. The Special Adviser gave us a thorough and accurate overview of the situation on the ground. Moreover, he presented us with a set of proposals for overcoming the difficult challenge that confronts us today in the issue of piracy off the coast of Somalia — a challenge first of all for Somalia, but also for the region and for the international community as a whole.

Portugal stands ready to work on those proposals, with the aim of preventing and punishing piracy in the region. We are guided by the conviction that the success of any strategy on this matter lies with the empowerment of Somalia and the need for Somalia to be entrusted in the near future with added capacity to fight this phenomenon from within. We will look into the realization of these proposals as potential tools for promoting institution-building and the rule of law, and for encouraging economic activity adequate to sound and peaceful progress in the country.

We all know that the roots of piracy off the coast of Somalia lie inland, not at sea. They are to be found in the difficult living conditions that result from a persisting situation of conflict and instability, weak institutions for fighting impunity, and serious development problems. Such circumstances make it particularly difficult for Somalis to create alternatives to an economy in which piracy's influence is increasingly preponderant.

Despite the complexity of the subject, the Special Adviser has managed to present us with a simple approach. We must improve the solutions that are currently being pursued. In this regard, we commend the efforts being undertaken by the States of the region and regional organizations, and call for their continued engagement to this purpose. But we agree with the Special Adviser that we must also embrace new solutions of an economic, security and judicial-penal nature. In this regard, we are ready to work in the Council to help achieve a prompt outcome on the basis of these proposals.

Concerning the new measures described in the report, Portugal strongly supports the multidimensional approach suggested, comprising three parts that are, in our view, equally important — the economic, security and judicial/correctional components, including the need to invest in efficient programmes of social reinsertion appropriate to the socio-economic situation in the country, in order to allow the prison population to find legal employment and build their future once they have served their sentence. Special attention should also be given in this context to the situation and treatment of children, attracted or mobilized into piracy, who end up caught in the net of justice.

Furthermore, we welcome with particular interest, as a complement to the specialized courts in Puntland and in Somaliland, the suggestion of creating another specialized Somali court outside Somali territory, now proposed for Arusha. It is an interesting solution that builds on converging ideas and specific proposals that my country has been developing and debating within the framework of the Contact Group on Piracy off the Coast of Somalia. It is a solution that seems flexible and useful enough to help attract international capacity support, capable of responding to needs as they evolve on the ground, and also able to be swiftly set up, since it relies on existing facilities. We will continue to engage in this reflection and to offer our experience to materialize such proposals in the ensuing discussions in the Council.

Mr. Osorio (Colombia) (*spoke in Spanish*): At the outset, I wish to thank Mr. Jack Lang for the report (S/2011/30) he introduced to us and to express appreciation for the remarks made by Mr. Mathias and the Ambassador of Somalia.

The outlook presented, in particular the increase in pirate attacks, their sophistication and the longer time for which hostages are being held, is of great concern. Piracy is another of the harmful consequences of precarious economic conditions and institutional weakness. It is urgent to adopt a new approach that includes strengthening the rule of law and building institutions that ensure the governability and the social and economic development of Somalia.

The assistance provided by the United Nations Office on Drugs and Crime, in coordination with the Contact Group on Piracy off the Coast of Somalia, continues to be of great importance. A lasting commitment to assistance and training in strengthening the legal, penal and prison systems, as well as the provision of logistical infrastructure and information technology, can encourage more countries of the region to help with the trial and imprisonment of pirates, as Kenya and Seychelles are doing.

The critical situation and limited capacity of the Transitional Federal Government to intercept pirates and bring them to justice, to patrol and to provide security in the waters off its coasts require the adoption of concrete measures to facilitate the trial and imprisonment of pirates, in accordance with applicable international law. The picture of impunity painted by Mr. Lang is regrettable. In that regard, curbing arms trafficking through the Gulf of Aden and the imposition of selective sanctions against the most important leaders and those who protect them would contribute significantly to international counter-piracy efforts.

The Monitoring Group for Somalia underscores that, while the volume of arms transfers to Somalia remains consistent and is small-scale, their effect is devastating in the context of a continuing armed conflict, the absence of an effective central authority and a worsening humanitarian crisis. The Group stresses that the increased piracy is also due in part to the lack of implementation of the arms embargo. In accordance with resolution 1844 (2008), sanctions should be extended to those who obstruct the delivery, access or distribution of humanitarian assistance in Somalia.

Colombia stresses the primacy of the jurisdictional and correctional components of any international strategy to combat piracy. We reiterate that the primary responsibility in the fight against piracy and armed robbery off the coast of Somalia lies with the Transitional Federal Government. In that regard, we welcome the proposal to reform the penal and procedural legal framework to include provisions that enable the investigation and prosecution of pirates.

Piracy has become one of Somalia's most lucrative economic activities, and its perpetrators use part of the ransoms to improve their arsenals and to make their operations more efficient. While we seek to remove the impunity enjoyed by the offenders, it is necessary to develop economic alternatives for the population and to ensure that society sees that crime as an activity that limits its development options.

Mr. Lang's report proposes encouraging unskilled labour-intensive activities, such as fishing, port operations and livestock exports. In the long term, such investments, which provide lasting results by preventing the population's growing dependency on the criminal industry developed through piracy, are less costly to the international community.

We are convinced that the United Nations should lead the international response to this growing problem and that a stable and lasting solution requires a comprehensive approach to the stabilization and strengthening of the State in Somalia. Mr. Lang's call for urgent action merits our full consideration.

Mr. Araud (France) (*spoke in French*): I thank Special Adviser to the Secretary-General Mr. Jack Lang for his report (S/2011/30) and proposals, Assistant Secretary-General for Legal Affairs Mr. Mathias for his support for those proposals, and the Permanent Representative of Somalia for his statement.

Not only is piracy is a threat to international peace and security, but, as the report presented to us today underscores, the phenomenon is growing. The means of the pirates are becoming increasingly sophisticated, as Mr. Lang explained, the number of attacks is increasing, and the geographical area affected continues to expand.

Faced with that phenomenon, the international community must act. The Security Council has facilitated the establishment of a legal framework for the deployment of a large fleet of vessels at sea. However, we have seen that the military tool is not sufficient. Suppression must be complemented by a legal and judicial arrangement whereby pirates arrested by vessels at sea can be tried and imprisoned in appropriate conditions. Today, 9 of 10 pirates are

released owing to the lack of capacity for judicial and correctional action.

In that regard, we welcome the Secretary-General's report (S/2010/394), drawn up pursuant to resolution 1918 (2010). That report sets out the various possible options to find a solution to the legal aspects of the fight against piracy. It is now time to take a decision.

In examining those proposals, we have identified several criteria that we believe to be priority. First, we must find a solution forthwith. Mr. Lang's report underscores the urgency of that requirement. Next, we must find a realistic solution. We must keep in mind the most cost-effective and beneficial option in the report. Lastly, we must find a lasting solution that Somalia can ultimately own and perpetuate.

It is from that perspective that we considered Mr. Lang's report and all 25 proposals identified therein. In the legal sphere, the avenues proposed by the report are clear. To address legal shortcomings, the report proposes updating Somali legislation on piracy in order to strengthen the criminalization and jurisdictional treatment of pirates. To prosecute the growing number of pirates more quickly, it proposes the establishment of system based on an extraterritorial Somali court located in Arusha, Tanzania, and two specialized courts, one in Somaliland and one in Puntland. Lastly, to address the glaring lack of correctional infrastructure, the report suggests building three prisons in Somaliland and Puntland.

Those proposals respond to the urgency of the situation. They can be operational in less than a year. Those proposals are realistic. Their cost is estimated at $25 million, which is low in relation to the overall cost of piracy, estimated today at $7 billion. Finally, those proposals seem to us sustainable because they closely associate Somalia not only with capacity-building in the regions of Puntland and Somaliland, but also with the establishment of a court that, although located in Tanzania, would be above all a Somali court. The report is pragmatic because it proposes that those new avenues complement the jurisdictional and correctional components already operating in a number of States of the region and for which international support could be increased.

The Secretary-General and his Special Adviser have devoted much time and effort to proposing options to the Security Council to change the paradigm in the Indian Ocean. It is now up to the Security Council to turn those proposals into action. To that end, France encourages the start of negotiations on a draft resolution of the Security Council reflecting the most relevant recommendations in Mr. Lang's report. It is of capital importance that the implementation of any decision we may take be followed up. The Lang report proposes that such follow-up be undertaken by an experienced figure. In order to ensure the best possible coordination of action on land and at sea and the integration of United Nations action in Somalia, we might consider entrusting the mission to follow up the proposals to a Deputy Special Representative of the Secretary-General working with the Special Representative of the Secretary-General for Somalia, Mr. Augustine Mahiga.

Lastly, I recall the importance of securing funding to implement the proposals we recommend. Mr. Lang stresses that a relevant instrument — the Trust Fund of the Contact Group on Piracy — already exists. Its purpose is to strengthen the judicial and correctional capacities of the countries of the region. It is up to the international community as a whole, as well as to private individuals and bodies involved in the fight against piracy, to contribute to that instrument. In order to bolster the Trust Fund, France supports in principle the convening of an international donors' conference once the Security Council has finished its work.

Mr. Onemola (Nigeria): I thank the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, Mr. Jack Lang, for his comprehensive briefing and in-depth analysis of the legal options available to combat piracy off the coast of Somalia. We appreciate the additional comments provided by the Assistant Secretary-General for Legal Affairs and thank the representative of Somalia for his participation in this meeting.

The increasing industrialization of the phenomenon of piracy and its rapid expansion in the Gulf of Aden endangers the integrity of the nascent authorities in Somalia and Puntland. It also threatens not only to erode the tenuous gains made by the international community in the Horn of Africa region, but also provide a fertile environment for extremism and violence.

We therefore share the Special Adviser's sense of urgency on the need for swift action to address the

threat. We also agree with his basic premise that convergent measures will be required to curb piracy and prevent its occurrence. To that end, we welcome his recommendations for improving the operational component of counter-piracy, such as extending the scope of on-board self-protection, strengthening and adapting naval operations, and intensifying monitoring of the Somalia coastline. We also welcome the judicial and correctional components of counter-piracy, particularly the measures to overcome the legal obstacles to the prosecution of piracy suspects.

We believe, however, that the effectiveness of these measures is contingent on the elimination of the immediate constraints on the coordination of the international prosecution of pirates and closer transnational partnerships. Additionally, initiatives to suppress piracy and protect vulnerable ships passing through the waters off the coast of Somalia, such as the European Union's Operation Atalanta, NATO's Allied Protector and Ocean Shield operations, and Combined Maritime Forces, must be streamlined in a coherent framework.

As we have heard, nine out of 10 pirates are not prosecuted due to the absence of a clear international legislative framework. Although article 101 of the United Nations Convention on the Law of the Sea and resolution 1918 (2010) both define piracy as a criminal act, few States of the region have incorporated this definition into their criminal code. We therefore call for a coherent international legislative framework to address these enduring gaps and uncertainty in international law.

In our view, the Security Council has established precedent in this area. In resolution 1950 (2010), the Council underlined the importance of continuing to enhance the collection, preservation and transmission of evidence of acts of piracy and armed robbery at sea off the coast of Somalia to competent authorities. Further agreements relating to the exchange of prisoners, a common definition of piracy, uniform evidence collection measures and jurisdictional standards are necessary.

Nigeria notes the Special Adviser's suggested cluster of measures for preventing piracy. Going forward, the Council must provide support for an internal mechanism to complement the efforts of the international community to deal with the menace. We therefore support the recommendations of the Special Adviser on the need to revive and develop domestic industry and to reform domestic legal institutions. Nigeria's long-held view is that piracy is a symptom of the internal strife within Somalia and the absence of governance structures. A long-term solution to piracy hinges on improving Somalia's stability and helping Somalis to forge a State with viable governance institutions capable of ensuring respect for the rule of law and of promoting peace and reconciliation. We renew our call for generous contributions to the Trust Fund for this purpose.

We must, however, acknowledge the tumultuous political, economic and legal environment in which this must take place. We note with growing alarm the increasing sophistication of pirates. In 2009, revenues from piracy in Puntland were approximately $82 million, compared to $16 million for all of Puntland. The traditional industries of fishing and livestock trading have been decimated. Additionally, the once robust commercial international shipping lanes have been significantly impaired by piracy.

Consequently, there is an urgent need for the penalization and prosecution of piracy. Clear and enforceable laws must be promulgated by the legislature and enforced by a fair and impartial judiciary and police force. As a first step, we encourage the Somali Parliament to enact a statute criminalizing piracy. States in the region should also take similar action under their domestic law, in accordance with resolution 1918 (2010). Considering the negative effects of illegal fishing and maritime pollution, Nigeria fully supports the Special Adviser's recommendation on the establishment of an independent investigation committee on allegations of illegal fishing and dumping of toxic waste in Somali waters.

Piracy is one of the many hurdles the Council must clear on its path to stabilize Somalia and the Horn of Africa. The Special Adviser's report (S/2011/30) is a meaningful contribution to the current efforts to address the problems. In our view, his constructive suggestions require timely and more in-depth consideration. The measures outlined by the Legal Adviser will be further enhanced by extensive international support and coordination through regional arrangements.

Finally, resolving the problem off the coast of Somalia will require tackling the root causes of political instability in Somaliland.

Mr. Hardeep Singh Puri (India): I would also join others in thanking Mr. Jack Lang, Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, and Assistant-Secretary-General Stephen Mathias for their comprehensive and useful briefings on the problems of piracy off the coast of Somalia. I would also like to thank the Representative of the Transitional Federal Government of Somalia for his perspective on the issue.

We have carefully gone through Mr. Lang's report on the legal issues relating to piracy off the coast of Somalia (S/2011/30). It is comprehensive and contains many useful recommendations. It draws our attention to the disturbing fact that Somali pirates are operating further and further from the Somali coast. The shift of attacks to the south and east of the Indian Ocean reflects the pirates' ability to adapt in order to bypass the security corridor established by naval forces and to extend their reach to areas approximately 1,000 to 1,200 miles from the Somali coast. Piracy has also gotten more sophisticated and has become an organized and lucrative activity. Indeed, as Mr. Lang's report states, piracy is gradually becoming an organized industry. Pirates have developed significant support structures whereby they are able to hold hijacked ships and crews hostage for months while their instigators and supporters hold negotiations for ransom. It is particularly worrying that the pirates have developed a modus vivendi with terrorist organizations.

According to the International Maritime Bureau, a record number of people — 1,181 sailors — were taken hostage by pirates worldwide in 2010, of which the Somali attacks account for 1,016 hostages. Currently, Somali pirates are holding 28 ships with more than 638 crew members on board. During the year 2010, 53 ships were hijacked worldwide, of which 49 were hijacked by Somali pirates. Compared to 2009, there was a 10 per cent increase in the number of pirate attacks in 2010, the total number being 445.

Studies by different think tanks say that maritime piracy costs the global economy anywhere between $7 and 12 billion a year. The figures I cite are global figures, in contrast to the figures cited by Mr. Lang were perhaps for the cost of Somali piracy alone. Nevertheless, since there is still some discrepancy there, I would, at some stage, like to get a firmer grip on the figure, but it is certainly in the vicinity of $7 to 10 billion. These figures are cause for major concern to the international community.

The continuing instability in Somalia does not permit an effective response to the problem of piracy even though the Transitional Federal Government has identified counter-piracy as a major area for cooperation under the Kampala process. Therefore, the process needs to be revitalized, and a major capacity-building exercise needs to be undertaken in areas of security and police forces, legal and legislative frameworks, jurisdictional and correctional systems, and so on.

We agree with the Special Adviser to the Secretary-General on the need to further strengthen international cooperation to tackle the problem of piracy. A comprehensive approach to tackling the problem has to be found in order to address this serious issue. In this context, my delegation wishes to propose the following measures.

There should be reinforced tracking of the trail of ransom money to different parts of the world, a duty that was conferred upon INTERPOL at the sixth plenary meeting of the Contact Group on Piracy off the Coast of Somalia. The beneficiaries of ransom money should be prosecuted for abetting piracy. Consideration should be given to making the conduct of naval operations under United Nations auspices the preferred option. The Somali coastline should be sanitized through identified corridors and buffer zones, and fishing vessels around the Somali coast should be tracked. National laws should be enacted as a priority to criminalize piracy as defined in the United Nations Convention on the Law of the Sea, and suspected pirates apprehended off the coast of Somalia should be prosecuted and, upon conviction, imprisoned, as required under resolution 1918 (2010). This last suggestion has been made, I believe, by other colleagues.

Criminal activities in international waters pose a serious threat to India, a country with a coastline of over 7,500 kilometres. A large volume of our trade passes through the Gulf of Aden, estimated at about $110 billion annually. Approximately 24 Indian-flagged merchant ships transit the Gulf of Aden every month. Moreover, more than 6 per cent of seafarers engaged in international shipping companies are Indian nationals. We therefore have a strong interest in ensuring the security of maritime traffic off the Somali coast and in the Gulf of Aden and the Arabian Sea.

India has been actively engaged in anti-piracy operations. The Indian navy commenced anti-piracy patrols in the Gulf of Aden in October 2008. A total of 23 Indian naval ships have been deployed in the Gulf of Aden since then. In addition to escorting Indian-flagged vessels, our navy has provided protection to ships of other countries. A total of 1,487 ships, including 1,321 foreign-flagged vessels from different countries, have been escorted by Indian naval ships in the Gulf of Aden since October 2008. Twenty-six piracy attempts have been thwarted, and no ship under Indian escort has been hijacked by pirates. We have also set up a 24/7 communication centre within the Indian Maritime Administration for coordination and facilitation in case of piracy.

Taking serious note of the recent spate of dhow piracy incidents, India has banned operation of Indian dhows in pirate-infested areas. As the piracy-prone area has expanded eastwards, the Indian navy has made additional deployments off the eastern and north-eastern Arabian Sea. The Indian navy has also deployed units to the exclusive economic zone of Seychelles and Mauritius, and its ships and aircraft routinely patrol the waters off Maldives. Following these deployments, there have been no hijack incidents in the eastern Arabian Sea since December 2010, following one or two stray incidents that suddenly occurred during a very brief period at the end of November 2010.

India, as a founding member of the Contact Group on Piracy off the Coast of Somalia, has been fully engaged in the efforts of the Group to share information, coordinate the actions of navies in combating piracy in the Gulf of Aden, raising public and merchant marine awareness, and examining legal and criminal justice issues with respect to apprehended pirates. Further, the Indian navy has proactively cooperated with other navies through the Shared Awareness and Deconfliction mechanism, and otherwise.

India will continue to contribute to international efforts aimed at increasing effective cooperation among States to tackle the problems of piracy. We also propose to actively engage in the Council's work in the follow-through to the recommendations made by the Secretary-General's Special Adviser and in ensuring the development of effective operational, legal and institutional responses to the problems of piracy.

Mr. Wang Min (China) (*spoke in Chinese*): I would like to thank the Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Cost of Somalia, Mr. Jack Lang, for his briefing. I would also like to thank Assistant Secretary-General Stephen Mathias for his briefing and the representative of Somalia for his statement.

At the present time, the Somali peace process is facing multiple challenges. The security situation leaves no room for optimism. Piracy remains rampant. To address the issue of Somalia, we must treat both the root causes and the symptoms.

The Transitional Federal Government (TFG) and the international community must adopt a holistic strategy to promote, in parallel, work in the political, security, economic, development and humanitarian areas. China has consistently supported the TFG and the implementation of the Djibouti Peace Agreement. We welcome the new Cabinet established not long ago by the TFG. We hope that the TFG will continue to work for national reconciliation, a stronger security sector and a speedy completion of the tasks that remain in the transitional period.

China supports the African Union Mission in Somalia and is in favour of the United Nations playing a greater role in addressing the Somali issue. The international community must respond actively to the appeals by Somalia and the African Union by providing more assistance to Somalia.

China is of the view that the effective prosecution and imprisonment of perpetrators of acts of piracy form an important link in combating piracy in Somalia. The Special Adviser has put forward in his report (see S/2011/30) 25 proposals on combating Somali piracy more vigorously. The proposals are wide-ranging in content. As a follow-up to the Secretary-General's report issued last July (S/2010/394), the report will serve as an important reference for all parties to identify gaps that hinder the effective prosecution and imprisonment of Somali pirates, as well as to explore feasible solutions. The report warrants further study.

The United Nations Convention on the Law of the Sea and other relevant international instruments provide a basic legal framework for States to exercise jurisdiction and engage in judicial cooperation against piracy. China supports the international community on the basis of the existing international legal framework and the relevant Security Council resolutions in

strengthening international cooperation on the prosecution and imprisonment of Somali pirates.

China appreciates the work of various countries in that regard, especially by coastal States. Strengthening the judicial capacity of coastal States will be critical in prosecuting and imprisoning Somali pirates. China supports efforts towards strengthening the judicial capacity of coastal States and calls upon the international community to continue to provide necessary assistance to coastal States. Moreover, China also welcomes various feasible programmes conducive to the prosecution and imprisonment of Somali pirates.

Mr. Salam (Lebanon): At the outset, allow me to thank you, Mr. President, for convening this meeting, and to thank Special Adviser Lang for his report and his valuable introductory remarks. We also thank the Assistant Secretary-General for Legal Affairs for his briefing and the representative of Somalia for his statement.

Lebanon reiterates the importance of developing a holistic approach to the situation in Somalia that does not only deal with the security situation but also supports the building of institutions and economic development in that country. We reaffirm our condemnation of acts of piracy and armed robbery, which pose a threat to international navigation and trade and obstruct humanitarian access. We also agree with the call by the African Union Peace and Security Council, in its communiqué of 15 October 2010, for the Security Council to deal with

> "the issue of piracy off the coast of Somalia in a holistic manner, with the view to effectively addressing its underlying causes and other equally serious threats which affect the livelihood and well being of the Somali people, in particular illegal fishing and dumping of toxic substances and waste off the coast of Somalia".

In that regard, we support Mr. Lang's proposal to establish a committee to investigate illegal fishing and maritime pollution.

Although the international naval presence in the region contributes to containing the problem of piracy, it does not address its root causes. Those continue to lie in the lack of security, stability, the rule of law and development in Somalia. Somali pirates are not born at sea but on Somali land. Strengthening maritime surveillance in a particular area will not be enough to stop them. The continued evolution of their methods of work and the expansion of their area of operations from the Gulf of Aden into the Indian Ocean attests to that.

Therefore, today we need to respond quickly and effectively. In that context, we welcome the report of the Special Adviser (see S/2011/30), which emphasizes the extreme urgency of the situation and the pressing need to act before we reach the point of no return. We take note of that report and would like to highlight the following points.

First, international law, and particularly the United Nations Convention on the Law of the Sea, sets the legal framework applicable to combating piracy and armed robbery at sea.

Secondly, the failure to prosecute those responsible for acts of piracy and armed robbery and the reluctance of States to incarcerate them for long periods undermine anti-piracy efforts. It is indeed alarming to learn that more than 90 per cent of pirates captured will be released without prosecution — a practice described as catch-and-release by Mr. Lang and already noted by many colleagues.

Thirdly, naval and coast guard forces are necessary in combating crimes at sea. However, the ability of Somalia is very limited in that regard. We therefore call for building and equipping Somali forces, particularly its coast guard.

Fourthly, a legal structure is needed to authorize the required executive and judicial jurisdiction over suspected pirates.

Fifthly, we encourage the United Nations to assist Somalia and neighbouring countries in delimiting their maritime zones, which would clarify jurisdictional matters among them and allow them to perform their necessary duties within their areas of authority.

We could not agree more with Mr. Lang's recognition of the need for economic and social development to create incentives that would steer local Somalis away from a piracy-based economy. The international community needs to remain one step ahead of the pirates. We therefore welcome the main recommendations in the report and support the adoption of a new Security Council resolution on this matter.

Mr. Moungara Moussotsi (Gabon) (*spoke in French*): Like previous speakers, I too would like to

thank Mr. Jack Lang, Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, for his briefing. We are confident that his work will contribute to progress on this complex and sensitive question. We would also like to thank Mr. Mathias, Assistant Secretary-General for Legal Affairs, and the representative of Somalia for their statements.

By appointing Mr. Lang as the Special Adviser on Legal Issues Related to Piracy off the Coast of Somalia, the Secretary-General has both assessed the scale of the threat of piracy off the Somali coast and has shown the commitment of the United Nations to combat this phenomenon. While we await a more in-depth analysis of the report (see S/2011/30), I would like to make some comments.

First of all, my delegation considers — as is often said — that the question of piracy needs to be considered from two angles. One the one hand is the importance of setting up an inclusive judicial mechanism, and on the other is the need to tackle the question of piracy off the Somali coast in conjunction with the security threat in the interior of the country. Piracy is a shared security challenge; protecting the coasts of the Gulf of Aden from acts of piracy as well as implementing a rapid and effective crackdown on perpetrators require a coordinated international response. The establishment of legal instruments should primarily involve regional actors directly affected by the unstable situation off their coasts.

As Mr. Jack Lang clearly underscored in his report, we must strengthen both the financial and the judicial support provided to States in the region in general, and to Somalia in particular, in order to enable them to ensure the security of their territories. Strengthening Somali security capacity, adapting national legal instruments to deal with piracy and ensuring effective international cooperation are all part of such an approach.

My delegation supports the proposal by the Special Adviser for the establishment of jurisdictional provisions in Puntland and Somaliland, as well as a special Somali court. This legal framework for action should enable States in the region to take more effective steps against the phenomenon of piracy. Nevertheless, it is essential that complementary measures also be contemplated to specifically take into account the security threats within Somalia.

Whenever the topic of piracy has been addressed in the Council, my delegation has always advocated for a comprehensive strategy for resolving the Somali crisis. Guaranteeing security on the ground in Somalia calls for the imposition of a naval blockade and a no-flight zone over Somalia, as recommended by the African Union. Among other things, such a blockade would make it possible to prevent the entry of foreign elements and the theft and transfer of weapons and ammunition to armed groups, thereby leading to an end to the fighting that has ravaged the country for just over two decades.

It is also important to link the number of maritime and judicial anti-piracy initiatives with international initiatives supporting the Transitional Federal Government in its economic development efforts, especially since poverty is one of the root causes of piracy. Indeed, many pirates are ex-fishermen who became pirates because their traditional occupation disappeared as a result of industrial fishing practices off the coast.

Finally, I underscore my delegation's endorsement of Mr. Lang's position that the United Nations must take swift, strong action. For its part, Gabon will continue contributing to the consideration of the report of the Special Adviser. We reaffirm our gratitude and support to Mr. Lang for his work in seeking concrete, effective and rapid solutions in the fight against piracy in the Gulf of Aden.

The President: I shall now make a statement in my capacity as the representative of Bosnia and Herzegovina.

At the outset, I would like to thank Special Adviser of the Secretary-General Jack Lang for his report (see S/2011/30) and for his informative briefing. I also thank the Assistant Secretary-General for Legal Affairs and the representative of Somalia for their statements.

The phenomenon of piracy is a challenge that has yet to receive an adequate and effective response from the international community. Although some measures have been taken in the areas of security, judicial arrangements, prevention best practices and awareness-raising, we cannot say there has been a reduction in the number of piracy attacks off the coast of Somalia. Unfortunately, on the contrary, we can see how, over time, piracy is acquiring structured features in financial and organizational aspects. We are also concerned by

the further expansion of the area threatened by piracy attacks, southwards along the coastline of Somalia and eastwards into the Indian Ocean.

Bosnia and Herzegovina strongly condemns acts of piracy and expresses its concern regarding the impact of such acts — first on regional security and, subsequently, on the global economy and international security. In that context, we share the view expressed by Special Adviser Lang that there is an urgent need to establish effective counter-piracy measures before spillover effects produce further instability in the region.

We believe that the Somalization of a solution, as Mr. Lang wrote in his report, is a valuable proposal for beginning a new phase in fighting piracy, which is evidently needed. We consider that institution-building, especially in the security sector, will make the Transitional Federal Government and regional authorities in Somaliland, and principally in Puntland, critical partners of the international community in fighting piracy.

Impunity, as most delegations that have spoken before me have stated, is a factor that leads to an increase in piracy activities. The fact that a catch-and-release method is applied in 90 per cent of cases points out the serious flaws in the international approach to combating piracy. We therefore believe that the new proposals outlined in the Special Adviser's report aimed at establishing specialized piracy courts in Somaliland and Puntland, along with an extraterritorial court in Arusha, as well as an increase in incarceration capacity in Somaliland and Puntland are a good basis for creating a new approach and instruments in counter-piracy activities.

I now resume my functions as President of the Council.

I give the floor to Mr. Lang to make some concluding remarks.

Mr. Lang (*spoke in French*): I think we have now come to the end of this debate, and I certainly do not wish to take up more of the Council's time. I would just like to say how much I personally appreciate the positive comments expressed by various speakers today. In that regard, Assistant Secretary-General Mathias comprehensively clarified the legal scope of the proposals put forward today and the way in which they dovetail with the proposals made by the Secretary-General in the Council last August. We should therefore all welcome the fact that this convergence is emerging.

I also find it positive that a strong, powerful and determined collective resolve is emerging from the Council, on behalf of the international community, to seek to defeat this dangerous and destructive criminal activity that is disrupting both economic and social activity. I therefore think that this meeting provides hope and shows that the United Nations and the Security Council in particular are determined to take a new course.

I should like to repeat what every speaker has said in their own way: we must not waste time. This race between the whole host of international forces and highly mobile, well equipped and swift pirates is at the moment being won by the pirates. In a civilized world in which national and international law continue to make progress it would be a great flaw in our laws and civilization if we were unable to prevail over this phenomenon that is spreading across the Indian Ocean.

I hope that the Council will, if possible, very quickly take into account the various statements that have been made and the conclusions put forward by the Secretary-General and in the report (see S/2011/30) I have submitted and come up with a resolution of historic importance that is firm, clear, determined and useful to the countries of the world, international organizations and the private sector in more robustly tackling piracy.

As several representative have said today, I should like to reiterate that not only is it desirable that the Council adopt a clear and firm resolution, but also that the Council — and this is its responsibility, not mine — ensure that the resolution it adopts be swiftly followed up with real, practical action on the ground. It must be clear that the world is ready to act quickly, vigorously and well.

The President: I thank Mr. Lang for his statement.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.35 p.m.